

# SENATE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

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**THIRTIETH LEGISLATIVE DAY**  
**TUESDAY, FEBRUARY 9, 2016**

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Keough, absent and excused.

Prayer was offered by Father John Worster.

The Pledge of Allegiance was led by Jared Kelly, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 8, 2016, was read and approved as corrected.

LODGE, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 9, 2016

The JUDICIARY AND RULES Committee reports that [S 1270](#), [S 1271](#), [S 1272](#), [S 1273](#), [S 1274](#), and [S 1275](#) have been correctly printed.

LODGE, Chairman

[S 1270](#) and [S 1271](#) were referred to the Finance Committee.

[S 1272](#), [S 1273](#), [S 1274](#), and [S 1275](#) were referred to the State Affairs Committee.

February 8, 2016

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Charles L. Winder to the Idaho Endowment Fund Investment Board, term to expire April 11, 2019.

M. Dean Buffington to the Idaho Endowment Fund Investment Board, term to expire April 11, 2019.

Neil Anderson to the Idaho Endowment Fund Investment Board, term to expire April 11, 2019.

MCKENZIE, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 8, 2016

The RESOURCES AND ENVIRONMENT Committee reports out [SCR 135](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BAIR, Chairman

On request by Senator Bair, granted by unanimous consent, [SCR 135](#) was recommitted to the Resources and Environment Committee.

February 8, 2016

The RESOURCES AND ENVIRONMENT Committee reports out [SCR 136](#) and [SCR 137](#) with the recommendation that they do pass.

BAIR, Chairman

[SCR 136](#) and [SCR 137](#) were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 9, 2016

The AGRICULTURAL AFFAIRS Committee reports out [S 1259](#) with the recommendation that it do pass.

RICE, Chairman

[S 1259](#) was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

February 8, 2016

Dear Mr. President:

I transmit herewith [H 436](#), [HCR 31](#), [H 367](#), [H 368](#), [H 369](#), [H 385](#), [H 396](#), [H 397](#), and [H 357](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 436](#), [HCR 31](#), [H 367](#), [H 368](#), [H 369](#), [H 385](#), [H 396](#), [H 397](#), and [H 357](#) were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1276**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO THE CIVIL RIGHTS OF PERSONS CONVICTED OF CRIME; AMENDING SECTION 18-310, IDAHO CODE, TO PROVIDE THAT THE RIGHT TO SHIP, TRANSPORT, POSSESS OR RECEIVE A FIREARM

SHALL NOT BE RESTORED FOLLOWING FELONY CONVICTIONS FOR CERTAIN CRIMES.

**S 1277**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO SEX CRIMES; AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-924, IDAHO CODE, TO DEFINE TERMS, TO PROHIBIT SEXUAL BATTERY OF AN ADULT AND TO PROVIDE A PUNISHMENT; AMENDING SECTION 18-6101, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE A CIRCUMSTANCE WHERE RAPE CAN OCCUR AND TO PROVIDE THAT BOTH MALES AND FEMALES ARE CAPABLE OF COMMITTING RAPE; AMENDING SECTION 18-6107, IDAHO CODE, TO REVISE A CODE REFERENCE; REPEALING SECTION 18-6108, IDAHO CODE, RELATING TO MALE RAPE; REPEALING SECTION 18-6109, IDAHO CODE, RELATING TO PUNISHMENT FOR MALE RAPE; AMENDING SECTION 18-8304, IDAHO CODE, TO PROVIDE THAT THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT SHALL APPLY TO CERTAIN PERSONS WHO COMMIT SEXUAL BATTERY OF AN ADULT, TO REMOVE OBSOLETE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-1602, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 16-2005, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 18-310, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8303, IDAHO CODE, TO REMOVE OBSOLETE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8502, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 19-401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 19-5307, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 20-509, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 20-525A, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1208, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AMENDING SECTION 39-1113, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE; AND AMENDING SECTION 72-1025, IDAHO CODE, TO REMOVE AN OBSOLETE CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS.

**S 1278**

**BY RESOURCES AND ENVIRONMENT COMMITTEE**

**AN ACT**

RELATING TO WATER; AMENDING SECTION 42-201, IDAHO CODE, TO PROVIDE THAT A PERSON OR ENTITY OPERATING A CANAL OR CONDUIT FOR IRRIGATION OR OTHER BENEFICIAL USES AUTHORIZED BY A WATER RIGHT THAT PERMITS WATER TO BE DIVERTED FROM A NATURAL WATERCOURSE FOR SUCH PURPOSES SHALL NOT BE REQUIRED TO OBTAIN AN ADDITIONAL WATER RIGHT FOR THE INCIDENTAL USE OF THAT SAME WATER WHERE THE WATER IS DIVERTED FOR IRRIGATION OR

OTHER BENEFICIAL USE AND THEREAFTER USED TO GENERATE HYDROELECTRICITY IN THE CANAL OR CONDUIT, TO PROVIDE CONDITIONS, TO PROVIDE THAT THE INCIDENTAL HYDROPOWER USE SHALL BE JUNIOR TO AND FULLY SUBORDINATED TO ALL EXISTING AND FUTURE USES AND SHALL BE NONCONSUMPTIVE AND TO PROVIDE FOR CERTAIN WRITTEN NOTICE.

**S 1279**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO THE STEM EDUCATION FUND; AMENDING CHAPTER 8, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-824, IDAHO CODE, TO PROVIDE FOR THE STEM EDUCATION FUND AND RELATED PROVISIONS.

**S 1280**

**BY EDUCATION COMMITTEE**

**AN ACT**

RELATING TO IDAHO PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND RESIDENCY REQUIREMENTS; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE A DEFINITION, TO REVISE PROVISIONS RELATING TO RESIDENCY REQUIREMENTS FOR STUDENTS OF AN IDAHO PUBLIC INSTITUTION OF HIGHER EDUCATION AND TO MAKE TECHNICAL CORRECTIONS.

**S 1281**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 56-1013B THROUGH 56-1013Q, IDAHO CODE, TO ENACT THE EMS PERSONNEL LICENSURE INTERSTATE COMPACT, TO STATE THE PURPOSE OF THE COMPACT, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING HOME STATE LICENSURE, TO ESTABLISH PRACTICE PRIVILEGES UNDER THE COMPACT, TO PROVIDE CONDITIONS FOR PRACTICE IN A REMOTE STATE, TO PROVIDE THAT THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT SHALL TAKE PRECEDENCE OVER THIS COMPACT UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH LICENSURE PROVISIONS FOR VETERANS, SERVICE MEMBERS AND THEIR SPOUSES, TO ESTABLISH THAT ADVERSE ACTION MAY BE TAKEN AGAINST AN INDIVIDUAL'S LICENSE UNDER CERTAIN CIRCUMSTANCES AND TO ESTABLISH THE CONSEQUENCES OF ADVERSE ACTION, TO PROVIDE ADDITIONAL POWERS TO A MEMBER STATE'S EMS AUTHORITY UNDER THE COMPACT, TO ESTABLISH AN INTERSTATE COMMISSION, TO PROVIDE FOR A COORDINATED DATABASE, TO PROVIDE RULEMAKING AUTHORITY, TO PROVIDE FOR OVERSIGHT OF THE COMPACT AND TO ESTABLISH PROVISIONS REGARDING DEFAULT, DISPUTE RESOLUTION AND ENFORCEMENT OF THE COMPACT, TO PROVIDE FOR IMPLEMENTATION OF THE COMPACT, TO PROVIDE THAT THE COMPACT SHALL BE CONSTRUED LIBERALLY AND TO PROVIDE SEVERABILITY.

[S 1276](#), [S 1277](#), [S 1278](#), [S 1279](#), [S 1280](#), and [S 1281](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Keough was recorded present at this order of business.

[H 436](#), by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

[HCR 31](#), by Education Committee, was introduced, read at length, and referred to the Education Committee.

[H 367](#), [H 368](#), and [H 369](#), by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 385](#), by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

[H 396](#) and [H 397](#), by Commerce and Human Resources Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

[H 357](#), by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, [S 1230](#) retained its place on the Third Reading Calendar for Monday, February 15, 2016.

[H 345](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burgoyne arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 345](#) passed, title was approved, and the bill ordered returned to the House.

[H 347](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 347](#) passed, title was approved, and the bill ordered returned to the House.

[S 1219](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lakey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [S 1219](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 403](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 403](#) passed, title was approved, and the bill ordered returned to the House.

[H 348](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 348](#) passed, title was approved, and the bill ordered returned to the House.

[H 353](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bayer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 353](#) passed, title was approved, and the bill ordered returned to the House.

[H 358](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice

arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Johnson, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 35.

Whereupon the President declared [H 358](#) passed, title was approved, and the bill ordered returned to the House.

[H 361](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Anthon, Bair, Bayer, Brackett, Buckner-Webb, Burgoyne, Davis, Den Hartog, Guthrie, Hagedorn, Harris, Heider, Hill, Jordan, Keough, Lacey, Lakey, Lee, Lodge, Martin, McKenzie, Mortimer, Nonini, Nuxoll, Patrick, Rice, Schmidt, Siddoway, Souza, Stennett, Thayn, Vick, Ward-Engelking, Winder. Total - 34.

NAYS—Johnson. Total - 1.

Total - 35.

Whereupon the President declared [H 361](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12 noon until the hour of 11 a.m., Wednesday, February 10, 2016.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary